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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/802,634 | 03/09/2001 | Shimon Shmueli | 4989-005 | 8535 |

27820 7590 06/06/2005

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER

FADOK, MARK A

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

09,802,634

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| EXAMINER |
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| ART UNIT | PAPER |
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20050527

DATE MAILED:

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Commissioner for Patents

In response to appellant's remarks that Turgeon was improperly applied in the examiner's answer filed (3/24/2005), the examiner notes that the use of TURGEON was merely used as a reference to clarify the capability that is inherent in the smart cart of O'Leary ((MPEP 1208.01) The rejection as originally stated in the prior office action has not changed. The examiner notes that the use of TURGEON does not need to be applied to the current combination of O'Leary for the rejection to be a prima facie rejection. By this action the examiner is removing what may appear to be a rejection in view of TURGEON in the examiner's answer. The action is submitted as provided for in RULE 41.43(a)(1).

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Response to Reply Brief

The reply brief filed 5/18/2005 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Application/Control Number: 09/802,634
Art Unit: 3625

Page 3

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner